

REMARKS

Responsive to the Examiner's Action of October 1, 2004, Applicant has canceled claims 5 and 14 and has rewritten the remaining claims to more clearly define the invention.

The principal reference to Stearns teaches a method and apparatus for exercising a person's quadriceps muscles. The exercise machine includes a frame designed to rest upon a floor surface and has a backrest and flip platform mounted on the frame. The flip platform and the backrest is movably mounted to the frame so that a person may exercise his quadriceps muscles. The Miller patent teaches a full body weight traction device for rotating a person into an inverted posture that includes U-shaped front and rear legs with the bases of the U-shapes resting on the floor and having upstanding sides terminating in pivot bearings and having a base attached to a tilt bed for supporting a human torso and rotating a person into an inverted or upside down posture. The cited Lin patent teaches an exerciser utilizing a user's own weight as a load to allow the user to overcome his own weight by applying force to a handle bar or two foot rests and lifting the user's body seated on a seat holder of the exerciser.

In contrast, the present exercise apparatus utilizes the user's own weight as a load and utilizes a folding A-frame formed from two U-shaped frame sections hinged together so that the A-

frame may be foldable on the hinge from a storage position to an operative position. A generally U-shaped swing portion is movably attached to one of the frame sections to support a seat thereon. A pair of arms, each having a handle, are adjustably attached to the generally U-shaped swing portion to allow adjustment for the person using the exercise apparatus. The arms extend so that a person sitting in a generally U-shaped swing portion seat can grip the handles and move the swing portion with the person seated thereon to thereby exercise the person's arms. A leg exerciser is attached to one of the frame sections to allow a person seated in the seat to exercise his legs.

Claims 1-9 distinguish from the Stearns patent in that the Stearns patent does not have a folding A-frame formed from two generally U-shaped frame sections hinged together to allow the exercise apparatus to be folded for storage and to be rapidly opened to an operative position. The frame sections (112) and (123) of Stearns are not U-shaped frame sections and are not a folding A-frame. Rather, the frame section (112) is a supporting portion of the frame while the frame section (123) can only be equivalent to the generally U-shaped swing portion of the present invention. That is, the Stearns patent can not only not read on the A-frame folding portion but cannot read on the use of the two-hinged frame sections supporting a generally U-shaped swing portion. In addition, the arms (129) on Stearns are not equivalent

to the arms in the present claims, in that each arm of the present invention is attached to one end portion of the generally U-shaped swing portion while the arms (129) of Stearns are attached to the seat portion and cannot be used to move the swing portion. The arms in the Stearns patent are also not adjustably connected to allow the adjustment of the arms and are not connected to the end portions of the generally U-shaped swing portion. For the Stearns patent to meet the elements of these claims would require a total redesign of Stearns and still not have the missing elements and would be unobvious to a person of ordinary skill in the art.

The Miller patent shows a full body weight traction device for inverting a human into an inverted posture and does have a pair of hinged frame elements. However, it also does not have a generally U-shaped swing portion having the two end portions and does not have a pair of arms connected to the end portions extending therefrom for gripping and moving the person's body weight to exercise a person's arm and upper body. It would also be unobvious to combine the Stearns and Miller patent without a teaching reference and, in any event, would require a total redesign of the patents and still would not teach the important connection of the arms connected to the ends of a U-shaped swing portion to allow a person to exercise the arms and upper body.

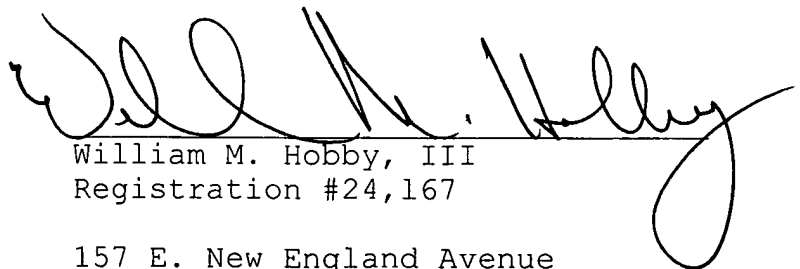
That is, to try to combine the Stearns frame portions (112) and (123) into an A-frame would eliminate the U-shaped swing

portion and still would not have the arms adjustably attached to the U-shaped swing portion. The claims also do not read on the claims 10-15 in that neither the Stearns nor the Miller patent provides a U-shaped swing portion having two end portions and being movably attached to an angled frame section and having a pair of arms, with each arm being adjustably attached to one end portion of the U-shaped swing portion, to allow a person to exercise the arms and upper body and to adjust the arms relative to the U-shaped swing portion to fit the individual person using the exerciser. A leg exerciser is also attached completely differently from that shown in the Stearns patent.

Applicant believes that the claims as amended would be unobvious to a person of ordinary skill in the art in view of the Stearns, Miller and Lin patents. Accordingly, reconsideration and allowance are respectfully requested.

The Examiner is requested to phone the undersigned attorney if this case can be expedited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William M. Hobby, III', is written over a horizontal line.

William M. Hobby, III
Registration #24,167

157 E. New England Avenue
Suite 375
Winter Park, Florida 32789
(407) 644-8888